

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

### REMARKS

Independent claim 1 has been amended and new claims 25 and 26 have been added in response to the new grounds of rejection set forth by the Examiner in the most recent office action. Applicant respectfully submits that the modified claims as set forth herein and the newly submitted claims are clearly patentably distinct over the prior art references cited by the Examiner. Specifically, Applicant has modified the claims to highlight the differences between Applicant's present invention and the prior art. In particular, newly modified claim 1 describes a system and method wherein one or more vendor pools are created, the vendor pools being associated exclusively with a single buyer.

Advantageously, by utilizing this approach, only those vendors that have demonstrated an adequate level of expertise and/or past performance such that the buyer is willing to include the vendor in the associated pool are used for making a comparison between the vendor capability data and the job requirement data. Essentially, this approach affords the buyer with a certain level of comfort relating to the bidding process so that only pre-screened vendors will be included. Thereafter a comparison of the capabilities for these included vendors is automatically made so that the buyer is certain that only qualified and desired vendors receive any solicitation.

Yet another difference between the presently claimed invention and the prior art is set forth in newly submitted claim 25. In this alternate characterization of the invention, multiple vendor pools are created and each of the vendor pools is associated exclusively with a

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

corresponding buyer. This claim is patentably distinct at least for the reason cited above. Additionally, this claim also specifies that there be at least two automatic comparisons. The first automatic comparison is directed to an identification of which vendors in the buyer's vendor pool have the requisite capability for performing a specified task. In particular, the comparison is automatically made between the vendor capabilities and the job specification. Yet another comparison is thereafter made based upon any additional job selection criterion that is desired by the buyer. For example, additional job selection criteria include such things as, for example, geographic location.

Finally, new claim 26 alternately specifies that the invention is directed to automated comparisons of both vendor capability with respect to job specifications as well as at least one additional job selection criterion automated comparison. Applicant respectfully submits that the prior art references of record provide no teaching or suggestion whatsoever regarding these advances in the art.

Applicant respectfully requests reconsideration of the remaining prior art rejections set forth by the Examiner under 35 USC-sections 102 and 103. Applicant submits that the prior art references cited by the Examiner, whether considered alone, or in combination, fail to either teach or suggest the invention as now specified in the claims set forth herein. More specifically, as noted above, Applicant has modified independent claim 1 and presented additional alternate claims which also include distinctions directed to the use of one or more vendor pools specifically which are individually associated with a corresponding buyer. Yet another significant distinction is that the claims specify multiple steps of qualifying analysis

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

for determining whether a vendor will receive a particular request for proposal. For example, the specification and certain claims describe that there be an automated analysis of job requirements and vendor capabilities as well as an additional automated analysis of further job selection criterion with defined vendor characteristics. Applicant respectfully submits that the prior art references cited by the Examiner provide no teaching or suggestion whatsoever regarding this advance in the art.

In regard to the subject matter set forth in the Walker reference, United States patent number 5,794,207, as even recognized by the Examiner, this reference does not describe the selective transmission of a request for proposal to one or more qualified vendors from among a pool of vendors based on an automated analysis of vendor capability data and job requirement information. In order to overcome this deficiency, the Examiner now relies upon the Giovannoli reference, United States patent number 5,842,178. Significantly, however, neither Giovannoli nor Walker provide any teaching or suggestion whatsoever regarding the establishment of vendor pools each having an individual association with a corresponding buyer and/or multiple prequalification analysis prior to transmission of the request for proposal.

The relevant portions relied upon by the Examiner of the Giovannoli reference are directed to the concept of using a filter for selecting appropriate network members to receive a request for quotation based on filter conditions that are defined by the buyer in the request for quotation and /or by the vendor and/or by the central processing unit. See, Giovannoli in

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

the abstract of the disclosure. Significantly, Giovannoli does not contemplate the use of specific vendor pools that are each individually associated with a corresponding buyer.

Yet another very important distinction between the cited prior art Giovannoli reference and the presently claimed invention is that each of the independent claims currently specify that the first automated comparison which is provided by the systems and methods specified and the instant application is an automated comparison of the job descriptor data with the vendor capabilities. This fundamental comparison is based upon the actual job specification information and no other information. For example, the job description information or specification may include identification of a particular type of binding that is to be provided for a printing job. The systems and methods of the instant application provide for an automated comparison of numerous product or service specifications with corresponding vendor capabilities including such things as, binding and numerous other details. This is extremely important in industries where custom goods and services are typically provided. Giovannoli does not contemplate any such analysis. The automated analysis described in Giovannoli is performed separate and apart from the job specification.

The detailed explanation of the filtering process described in the Giovannoli reference confirms this fact which is found beginning at column 7 in line 3. This portion of the Giovannoli specification indicates that the process begins when a buyer prepares a network compatible request for quotation. Giovannoli then notes at line 5 that the buyer additionally may prepare or has previously prepared a definition of the class of vendor to receive the request. This is separate and apart from the job specification and is actually a specification of

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

the vendor. Giovannoli therefore does not contemplate any analysis automated or otherwise regarding the actual job specification with vendor capabilities.

Giovannoli then indicates that the request or requests are transmitted to a quotation network and is thereafter routed to the specified class of vendors consistent with the network software and vendor requirements or conditions if any that are additionally specified by the buyer. Accordingly, it is clear that Giovannoli only describes the use of a separate vendor specification that is distinct from the actual job specification. In contrast, in accordance with the present invention it is the job specification alone that fundamentally determines the vendor qualifications for each individual job. The instant specification also contemplates yet additional analysis such as geographic limitations as additional job selection criterion.

In order to highlight these distinctions, Applicant has specified in the claims that there is a separate automated analysis of additional job selection criterion as well as the automated comparison of the vendor capabilities and job specifications. As noted above, yet additional distinctions include the fact that Giovannoli provides no teaching or suggestion whatsoever regarding the association of vendor pools with corresponding buyers.

Accordingly, in light of the foregoing, Applicant respectfully submits that claim 1 is allowable over the cited prior art references of record at the very least because there is no teaching or suggestion in the prior art whatsoever concerning the exclusive association between a buyer and a corresponding vendor pool and the cited references do not teach or suggest an automated comparison between the actual job specification with vendor capabilities.

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

Similarly, with regard to claim 25, the art of record does not teach or suggest the creation of a plurality of vendor pools in conjunction with automated analysis of both job specification with respect to vendor capabilities as well as an automated analysis of additional job selection criterion. Therefore, at least for these reasons alone, this claim is allowable. Claim 26 is also allowable at least because of the fact that there is no teaching or suggestion in the prior art of an automated comparison of job specification information with respect to vendor capabilities as well as an automated analysis of additional job selection criterion.

Accordingly, in light of the foregoing, Applicant respectfully submits that all claims now stated in condition for allowance. In light of the advanced stage of prosecution for this application, Applicant respectfully requests an early indication of allowance for this application.

Appl. No. 09/450,023  
Amdt. Dated February 28, 2006

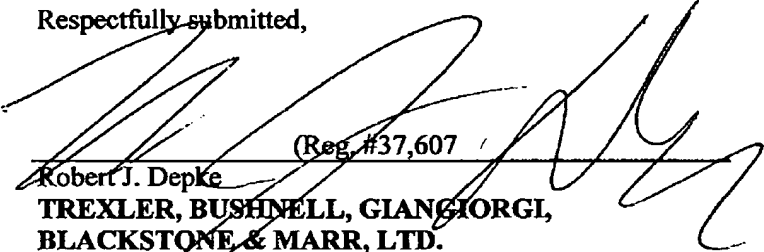
Applicant respectfully submits that the claim remains in condition for allowance. In light of the foregoing, Applicant respectfully requests allowance of the application.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-1794.

Applicant also reminds the Examiner of co-pending application serial number 09/449,942 currently pending before Examiner Karmis. The undersigned requests a discussion of these related applications at the convenience of the Examiners.

Respectfully submitted,

Date: February 28, 2005

  
(Reg. #37,607)  
Robert J. Depke  
**TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.**  
105 W. Adams Street, 36<sup>th</sup> Floor  
Chicago, Illinois 60603  
Tel: (312) 704-1890  
**Attorney for Applicants**